

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
	:	
MICHELE RAE ROUSE fka	:	
MICHELE LOFGREN dba	:	
QUALITY SAFETY SERVICES LLC,	:	
Debtor	:	CASE NO. 1-20-bk-03497-HWV
	:	
JACK N. ZAHAROPOULOS, TRUSTEE,	:	
Movant	:	
	:	
vs.	:	
	:	
MICHELE RAE ROUSE fka	:	
MICHELE LOFGREN dba	:	
QUALITY SAFETY SERVICES LLC,	:	
Respondent	:	

TRUSTEE'S MOTION TO DISMISS CASE

NOW COMES Jack N. Zaharopoulos, Standing Chapter 13 Trustee, who moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 521(a), 521(f) and 1307(c), due to unreasonable delay in providing the Trustee a complete filed copy of the 2019 Federal Tax Return as well as filing Local Individual Earned Income Taxes for the tax years 2016, 2017, 2018 and 2020.

1. Debtor filed the instant case on December 9, 2020.
2. Debtor filed a Chapter 13 Plan on December 9, 2020.
3. Trustee Objected to the Chapter 13 Plan on January 27, 2021. The basis of Trustee's Objection was that Debtor failed to use the Model Plan adopted by the Court. In addition, Debtor's Plan did not address the secured claim of Ford Motor Credit Company.
4. A confirmation hearing on the Chapter 13 Plan was scheduled for and held on February 24, 2021 wherein the Trustee's Objections were sustained and an Order was entered directing Debtor to file an Amended Plan in thirty (30) days.
5. Debtor filed a First Amended Chapter 13 Plan on May 10, 2021. The flattened version of the First Amended Chapter 13 Plan was filed as an Exhibit on May 11, 2021 at Docket Entry Number 30.
6. A confirmation hearing on the First Amended Chapter 13 Plan was scheduled for June 23, 2021.

7. Debtor filed a Pre-Confirmation Certification of Compliance with Post Petition Domestic Support Obligations on June 17, 2021 at Docket Entry Number 38 in advance of and in preparation for the confirmation hearing scheduled on the First Amended Chapter 13 Plan. The Pre-Confirmation Certification is signed by both counsel for Debtor and Debtor. It indicates “That all applicable Federal, State and Local tax returns, as required by 11 U.S.C. Section 1308 have been filed.

8. The confirmation hearing on the First Amended Chapter 13 Plan was held on June 23, 2021. Based on the representation made by Debtor and counsel for Debtor within the Pre-Confirmation Certification, the fact that both the general and governmental claims bar dates had both expired and no governmental entities had filed claims, the Trustee reasonably relied on this information in order to recommend Debtor’s case for confirmation to the Court. The Court therefore confirmed Debtor’s Plan on June 23, 2021.

9. On July 2, 2021, Larry Wolf, counsel for Debtor filed to the Claims Register, Claim Number 6 on behalf of the Internal Revenue Service. The claim is in the amount of \$2,500, is for “Taxes” and has no records attached.

10. On July 2, 2021, Larry Wolf, counsel for Debtor filed to the Claims Register, Claim Number 7 on behalf of the York Adams Tax Bureau. The claim is in the amount of \$1,000, is for “Personal injury/wrongful death” and has no records attached.

11. On July 7, 2021, Larry Wolf, counsel for Debtor filed to the Claims Register, Claim Number 7 on behalf of the York Adams Tax Bureau. The claim indicates it does not amend one already filed. The claim is in the amount of \$1,000, is for “Taxes” and has no records attached.

12. On July 8, 2021 York Adams Tax Bureau filed to the Claims Register, Claim Number 8 on its own behalf. The claim is in the amount of \$2,168.65, indicates it is for “Earned income tax (estimated)” and has a Statement of Individual Earned Income Taxes Due indicating that Debtor has not filed her Local Earned Income Taxes for the years 2016, 2017, 2018, and 2020.

13. On July 26, 2021 counsel for Debtor forwarded to the Trustee Debtor’s 2018 and 2019 Federal Income Tax Returns. Upon inquiry regarding the receipt of the returns, the Trustee learned that Debtor has several tax years that remain unfiled for Federal Income Tax Returns. However, in the absence of a claim filed by the Internal Revenue Service and a Certification by the Debtor indicating they are filed, the Trustee is unable to determine to what extent they are unfiled.

14. Since learning on July 26, 2021, the Trustee’s office has been in contact with Debtor’s counsel in an attempt to obtain confirmation of filed Local and Federal returns, as well as to have counsel reach out to the York Adams Tax Bureau. The Trustee has been given no reason to believe the returns have been or will be filed. By way of further answer, it was indicated to the Trustee’s Paralegal, that it was unlikely that the Debtor would perform her

required duties.

WHEREFORE, your Trustee respectfully requests this Honorable Court to require Debtor provide evidence to the Court that Debtor has filed all applicable Federal, State and Local tax returns, as required by 11 U.S.C. Section 1308, or the case should be dismissed.

Respectfully submitted,

Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive - Ste. A
Hummelstown, PA 17036
717-566-6097

BY: /s/ Jack N. Zaharopoulos
Standing Chapter 13 Trustee

CERTIFICATION OF SERVICE

AND NOW, this 18th day of August 2021, I, Amy S. Powell, hereby certify that I served a copy of the Trustee's Motion to Dismiss either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

Larry W. Wolf, Esquire
215 Broadway
Hanover, PA 17331
E-mail: kcrider@larrywwolf.com

Served electronically

Michele Rae Rouse
29A Pinewood Circle
Hanover, PA 17331

Served by first class mail

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

/s/ Amy S. Powell
Paralegal to Jack N. Zaharopoulos
Standing Chapter 13 Trustee

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MICHELE RAE ROUSE fka	:	
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QUALITY SAFETY SERVICES LLC,	:	
Respondent	:	

NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for unreasonable delay in providing the Trustee a complete filed copy of the 2019 Federal Tax Return as well as filing Local Individual Earned Income Taxes for the tax years 2016, 2017, 2018 and 2020.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion as indicated below. Any matter not resolved at the Trustee's Conference shall be heard at the dismissal hearing.

CONFERENCE before Trustee:

September 22, 2021 at 9:00 a.m.
U.S. Bankruptcy Court
Ronald Reagan Federal Building
Bankruptcy Courtroom, 3rd Floor
Harrisburg, PA 17101

HEARING:

September 22, 2021 at 9:35 a.m.
U.S. Bankruptcy Court
Ronald Reagan Federal Building
Bankruptcy Courtroom, 3rd Floor
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place.

1. You have provided the Trustee at the following address:
 - (a) With a complete copy of your filed 2019 federal income tax return including schedules and forms along with evidence of its filing; or
 - (b) With a statement why you were not required to file a tax return for 2019; or

- (c) With a copy of your 2019 Form 4868 filed to request an extension of the time to file your tax return; and
- (d) With a statement from York Adams Tax Bureau indicating that all past due taxes are filed; or
- (e) York Adams Tax Bureau amended Claim #8 to reflect tax forms having been filed.

OFFICE OF THE CHAPTER 13 TRUSTEE
SUITE A, 8125 ADAMS DRIVE
HUMMELSTOWN, PA 17036

- 2. You have filed a voluntary dismissal with the U.S. Bankruptcy Court and have served a copy of the motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Jack N. Zaharopoulos, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
e-mail: info@pamd13trustee.com

Dated: August 18, 2021

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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ORDER GRANTING TRUSTEE’S MOTION TO DISMISS AND DISMISSING CASE

Upon consideration of the Trustee’s Motion to Dismiss,

It is hereby ordered that the above-captioned bankruptcy is dismissed.